

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALOYSIOUS WELLS,

Defendant.

CR-12-100-GF-BMM-JTJ

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on June 26, 2019. (Doc. 77). Mr. Wells stated that he wished to waive his right to object to Judge Johnston's Findings and Recommendations. *Id.* at 3. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on June 26, 2019. The United States alleged that Mr. Wells had violated the conditions of his supervised release by: 1) using a controlled substance; and 2) failing to complete his 60-day substance abuse treatment program at Connections Corrections in Butte, Montana.

(Doc. 69 at 2). This Court issued a warrant for Wells's arrest on May 21, 2019.

(Doc. 77 at 2). Wells admitted to the alleged violations. *Id.* The violations prove serious and warrant revocation of Wells's supervised release.

Judge Johnston has recommended that the Court revoke Wells's supervised release and commit Wells to the custody of the Bureau of Prisons for five (5) months with 112 months of supervised release to follow. *Id.*

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Wells's violations represent a serious breach of the Court's trust. A custody term of five (5) months with 112 months of supervised release to follow proves sufficient but not greater than necessary.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 77) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Aloysious Wells receive a custody sentence for five (5) months with 112 months of supervised release to follow.

DATED this 27th day of June, 2019.



Brian Morris
United States District Court Judge